

JUDGE ROBINSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LISA DAWN APARTMENTS INC.

Plaintiff,

-against-

TRAVELERS EXCESS AND SURPLUS LINES  
COMPANY

Defendant.

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**07 CIV 7137**

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Travelers Excess and Surplus Lines Company ("Defendant" or "Travelers") hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York, Westchester County, where the action is now pending under Index No. 11774/07, and states:

1. On June 29, 2007, Plaintiff Lisa Dawn Apartments Inc. ("Plaintiff") commenced this action in the Supreme Court of the State of New York, Westchester County by filing a summons and complaint (the "Complaint") and the action is now pending in that court.

2. On July 13, 2007, the Complaint was served upon the New York State Insurance Department. On July 23, 2007, Defendant first received a copy of the Complaint.

3. This action is a civil action for declaratory judgment and the United States District Court for the Southern District of New York has jurisdiction by reason of the parties' diversity of citizenship.

4. Upon information and belief, Plaintiff is now, and at the time the action was commenced, a citizen of the State of New York. Plaintiff is a domestic corporation organized,

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formed and existing under and by virtue of the laws of the State of New York with its principal place of business located at 150 White Plains Road, Tarrytown, New York.

5. Defendant Travelers is now, and at the time the action was commenced, a citizen of the State of Connecticut. Defendant is a foreign corporation organized, formed and incorporated under the laws of the State of Connecticut with its principal place of business located at One Tower Square, Hartford, Connecticut.

6. The amount in controversy in this action exceeds \$75,000 exclusive of interest and costs.

7. No change of citizenship of the parties has occurred since the commencement of the action.

8. Accordingly, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

9. A copy of all process, pleadings and orders served upon Defendant is attached hereto as Exhibit "A" and filed with this notice.

10. This Notice of Removal is being filed within thirty (30) days after receipt by Defendant of the initial pleading setting forth the claim for relief upon which the action is based and is timely pursuant to 28 U.S.C. § 1446(b).

11. Promptly after the filing of this Notice of Removal, Defendant will give written notice thereof to Plaintiff's attorney of record and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, Westchester County, thereby effecting removal of the Action pursuant to 28 U.S.C. § 1446(d).

**WHEREFORE**, since all of the prerequisites for diversity jurisdiction are present, Defendant respectfully requests that this action proceed in the United States District Court for the Southern District of New York as an action properly removed to it.

Dated: New York, New York  
August 10, 2007

LAZARE POTTER GIACOVAS  
& KRANJAC LLP

By: 

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